

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Crim. No. 11-353 (JLL)
vs. : Hon. Jose L. Linares
BAHADIR YAHSI : DETENTION ORDER

This matter having been opened to the Court on motion of the United States, by Paul J. Fishman, United States Attorney for the District of New Jersey (Shirley U. Emehelu and Mark McCarren, Assistant United States Attorneys, appearing), in the presence of Catherine M. Brown, Esq. and Paulette Pitt, Esq., attorneys for defendant Bahadir Yahsi, for an order pursuant to Title 18, United States Code, Section 3143(a)(2) and Section 3142(f)(1)(C), detaining defendant Yahsi without bail pending sentencing in the above-entitled matter; the Court having considered the arguments of counsel on December 11, 2012, the Court makes the following findings:

1. On January 23, 2012, a five-count Second Superseding Indictment was returned charging defendant Yahsi with, in Count One, conspiracy to distribute and to possess with intent to distribute Oxycodone and MDMA, or "ecstasy," in violation of Title 21, United States Code, Section 846; in Count Two, distribution and possession with intent to distribute

Oxycodone, in violation of Title 21, United States Code, Section 841(a) and Section 841(b)(1)(C); and in Counts Three, Four, and Five, distribution and possession with intent to distribute ecstasy, in violation of Title 21, United States Code, Section 841(a) and Section 841(b)(1)(C). The offenses charged each carry a maximum penalty of twenty years imprisonment.

2. Between December 3, 2012 and December 10, 2012, trial was held in the above-referenced matter. On December 11, 2012, the jury reached a verdict, finding defendant Yahsi guilty on all five counts.

3. Pursuant to Title 18, United States Code, Section 3143(a)(2) and Section 3142(f)(1)(C), the Court finds that the mandatory detention provisions are applicable here, because defendant Yahsi has been found guilty of charges for which a maximum term of imprisonment of ten years or more is prescribed in the Controlled Substances Act. Furthermore, neither exception to the mandatory detention provisions set forth under Title 18, United States Code, Sections 3143(a)(2)(A) and (B) apply, and there is clear and convincing evidence that defendant Yahsi is a flight risk.

4. The Court hereby finds that defendant Yahsi has failed to rebut the mandatory detention provisions set forth

under Title 18, United States Code, Section 3143(a)(2) and Section 3142(f)(1)(C), and having considered the factors set forth in Title 18, United States Code, Section 3142(g), no condition or combination of conditions will reasonably assure the appearance of defendant Yahsi as required.

IT IS, therefore, on this 11th day of December, 2012,
ORDERED, pursuant to Title 18, United States Code,
Section 3143(a)(2), Section 3142(f)(1)(C), and Section 3142, that defendant Yahsi be committed to the custody of the Attorney General or his authorized representative pending sentencing; and it is further

ORDERED, pursuant to Title 18, United States Code,
Section 3142(i), that defendant Yahsi be confined in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal; and it is further

ORDERED, pursuant to Title 18, United States Code,
Section 3142(i), that defendant Yahsi be afforded reasonable opportunity for private consultations with counsel; and it is further

ORDERED, pursuant to Title 18, United States Code,
Section 3142(i), that, upon order of this or any other court of

the United States of competent jurisdiction or on request of an attorney for the United States, defendant Yahsi shall be delivered to a United States Marshal for the purpose of appearances in connection with court proceedings; and it is further

ORDERED that the motion of the United States for an order detaining defendant Yahsi without bail pending sentencing is hereby granted, and defendant Yahsi is hereby ordered detained pending sentencing in the above-entitled matter.

/s/ Jose L. Linares
HONORABLE JOSE L. LINARES
United States District Judge